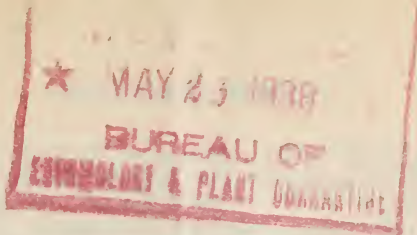


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1576-1600

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 16, 1938]

1576. Misbranding of Bard-Parker Formaldehyde Germicide. U. S. v. Parker, White & Heyl, Inc. Plea of guilty. Fine, \$200. (I. & F. No. 1761. Sample Nos. 69868-A, 7001-B.)

This product was a fungicide within the meaning of the Insecticide Act of 1910 that contained an inert ingredient, water, and it was not labeled to indicate the presence of said inert ingredient as required by the law.

On February 13, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Parker, White & Heyl, Inc., a corporation organized under the laws of the State of New York and having a place of business at Danbury, Conn., alleging shipment by said company on or about March 26, 1934, from the State of Connecticut into the State of New Jersey; and on or about April 5, 1934, from the State of Connecticut into the State of New York of quantities of Bard-Parker Formaldehyde Germicide, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

On November 2, 1937, the defendant having entered a plea of not guilty and a jury having been waived, the case came on for trial before the court. Evidence was heard on November 2, 3, and 4 and the trial was adjourned to November 30, 1937, on which date the Government entered a nolle prosequi as to counts 1, 2, 4, and 5, and the defendant entered a plea of guilty to the remaining counts, namely, 3 and 6.

Counts 3 and 6 charged misbranding in that the article consisted of an inert substance, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of the said inert substance were not stated plainly and correctly on the label affixed to the bottle containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance present in the article stated plainly and correctly on the bottle label.

On November 30, 1937, the defendant was fined \$200 on its plea of guilty to counts 3 and 6.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1577. Adulteration and misbranding of dog soap. U. S. v. Solon Palmer. Plea of nolo contendere. Fine, \$46. (I. & F. No. 1899. Sample No. 50779-B.)

This product contained smaller amounts of hellebore and sulphur than declared on the label. The labeling also bore false and misleading representations regarding its effectiveness in the control of certain insects and in the treatment of certain skin diseases of animals; and it also failed to declare the inert ingredients present in the article.

On August 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Solon Palmer, a corporation, New York, N. Y., alleging shipment by said company on or about May 21, 1935, from the State of New York into the State of New Jersey of a quantity of dog soap, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Contains * * * .01 Helebores, .05 sulphur"; whereas it contained less than 0.01 of hellebore and less than 0.05 of sulphur.

The article was alleged to be misbranded in that the following statements borne on the carton, "Contents * * * .01 Helebores, .05 Sulphur, Dog Soap * * * For all animal skin diseases, This soap will not only free him from fleas, lice, etc.," were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead purchasers since they represented that it contained 0.01 of hellebore and 0.05 of sulphur, that when used as directed it would act as an effective treatment for all animal skin diseases, and would free dogs from all insects and other conditions indicated by the term "etc."; whereas it contained lesser amounts of hellebore and sulphur than declared, it would not act as an effective treatment for all animal skin diseases, and it would not free dogs from all insects and all other conditions indicated by the term "etc."

It was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of said inert substance were not stated plainly and correctly on the carton label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substance or ingredient present therein stated plainly and correctly on the label.

The information charged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 27876 published under that act.

On September 13, 1937 a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$40 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1578. Misbranding of Eggstractor Poultry Builder. U. S. v. Henry O. Stephens (Stephens Manufacturing Co.). Plea of guilty. Fine, \$200. (I. & F. No. 1911. Sample No. 59076-B.)

This product was misbranded because of false and misleading representations in the labeling regarding its effectiveness in the control of certain insects and because it consisted entirely of substances which were inert when used as directed, and these inert substances were not declared on the label.

On April 7, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry O. Stephens, trading as the Stephens Manufacturing Co., Fort Worth, Tex., alleging shipment by said company on or about September 5, 1935, from the State of Texas into the State of Kansas of quantities of Eggstractor Poultry Builder, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the bottle label, "Instantaneous death to all blood sucking insects which shorten the life of turkeys and chickens, thus rendering results amazing to the breeders, when strict observance of directions have been complied with. * * * Directions: Use $2\frac{1}{2}$ teaspoons to 1 gallon water, or put in water used for making mash daily for 5 days, then skip 10 days., thereafter give 1 dose every 10 days. For baby chicks reduce dose 50%. This is to be based on 100 head. * * * When you rid your flocks of Blue Bugs, fleas, lice and all blood sucking animals and insects, you are materially strengthening your net income, your efforts are rewarded substantially by the use of this Poultry Builder, known the country over for its dependable results. * * * Mange cannot survive in poultry or dogs, when a few drops of this wonderful builder is given in their food at frequent intervals," were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it would cause instantaneous death to all blood-sucking insects that shorten the lives of turkeys and chickens, would rid flocks of blue bugs, fleas, lice, and all blood-sucking animals and insects, and would be effective in the prevention and treatment of mange when used as directed; whereas it would not be effective for said purposes when used as directed.

It was alleged to be misbranded further in that it consisted completely of inert substances or ingredients when used as directed on the label, and the

name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly on the label.

The information charged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 27877 published under that act. On November 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$200 for violation of the Insecticide Act of 1910, and \$100 for violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1579. Misbranding of The Magic Go-Go Sterilizer and Go-Go. U. S. v. Henry M. Schoen (Stark Chemical Products Co.). Plea of guilty. Penalty of \$50 in lieu of fine and costs. (I. & F. No. 1922. Sample No. 54699-B.)

The labeling of these products bore false and misleading representations regarding their effectiveness as sterilizers.

On September 19, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry M. Schoen, trading as the Stark Chemical Products Co., Springfield, Ill., alleging shipment by said defendant on or about August 6, 1935, from the State of Illinois into the State of New York of quantities of products called "The Magic Go-Go Sterilizer" and "Go-Go," which were misbranded fungicides within the meaning of the Insecticide Act of 1910.

The articles were alleged to be misbranded in that the following statements in the labeling, (Magic Go-Go Sterilizer, carton) "Sterilizes Everything in Tavern and Kitchen Bar Glassware and Beer Coils to free your beer coils from every atom of bacteria, take 3 tablespoons full of Go-Go, and place in your tank. Then fill the tank with water. Let solution run through the hose, coil and faucet. When the solution has run out, re-fill the tank with clear cold water and let it run off through the coils, hose and faucet. Your delivery system will then be in a thoroughly sterilized and clean condition. Play safe: Sterilize your Coils At Least Once A Week * * * Go-Go is used by many business concerns and industries such as: Taverns, Restaurants, Hotels, Bakeries, Hospitals, Theatres, Garages, Stores, Dairies, Bottling plants and wherever a thorough reliable sterilizer and cleanser is needed. * * * Go-Go sterilizes and cleans Glassware, Dishes, Woodwork, Windows, Floors, etc.," and the following statements borne on the cartons of the remaining article, (Go-Go, carton) "Sterilizes * * * Bar Glassware and Beer Coils * * * To free your beer coils from every atom of bacteria, take 3 tablespoons full of Go-Go, and place in your tank. Then fill the tank with water. Let solution run through the hose, coil and faucet. When the solution has run out, re-fill the tank with clear cold water and let it run off through the coils, hose and faucet. Your delivery system will then be in a thoroughly sterilized and clean condition," were false and misleading and by reason of said statements, the articles were labeled so as to deceive and mislead the purchaser in that they represented that the former would act as a sterilizer and would sterilize everything in the tavern, kitchen, and other places and other things named and indicated, would free beer coils from bacteria when used as directed; and that the latter would sterilize bar glasses and beer coils and would free beer coils from bacteria when used as directed; whereas the articles would not be effective for the said purposes.

On September 16, 1937, the defendant entered a plea of guilty and the court imposed a penalty of \$50 in lieu of fine and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1580. Misbranding of Para Moth Tablets and Fragrant Chlorotone Crystals. U. S. v. Blecker-Foster, Inc. (G. F. Foster Products Co.). Plea of guilty. Fine, \$10. (I. & F. No. 1953. Sample Nos. 5163-C, 5164-C.)

The labels of both of these products bore false and misleading representations regarding their effectiveness in the control of moths, and that of the Chlorotone Crystals also bore false and misleading representations regarding their effectiveness as a deodorant and air purifier.

On April 6, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Blecker-Foster, Inc., trading as the G. F. Foster Products Co., St. Paul, Minn., alleging shipment by said company on or about June 13, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Para Moth Tablets and Fragrant Chlorotone Crystals, of which the former article was a misbranded insecticide and the latter was a mis-

branded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The moth tablets were alleged to be misbranded in that the following statements, "Para Moth Tablets For * * * upholstered furniture * * * They are wonderful for upholstered furniture. In an ordinary small storage closet (about 3×4 feet of floor space) one tablet will keep Moths out for two months (depending on how often the closet is opened) and should keep woolens in storage drawers free from Moths all summer. You should check all storage places at least twice each season to see that the Para has not entirely evaporated. These tablets can be broken, and small pieces, about ¼ tablet, put in clothes pockets," borne on the cartons, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers in that they represented that the article when used as directed, would act as an effective insecticide against moths in upholstered furniture and against moths generally; whereas when used as directed it would not be effective for said purposes.

The Chlorotone Crystals were alleged to be misbranded in that the statements, "These wonderful vaporizing crystals purify the air, combating obnoxious odors. To protect clothing, woolens, furs, etc., place a liberal amount of the crystals in chest or trunk, or open the top of the can and hang up in closet with garments. * * * You can also open the top of the can and sprinkle the crystals liberally under the seats in the upholstered furniture, rugs, carpets, etc.," borne on the label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers since they represented that when used as directed, it would purify the air, would combat all obnoxious odors, and would protect clothing, women's furs, etc., carpets, and upholstered furniture from moth damage; whereas it would not be effective for the said purposes when used as directed.

On April 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1581. Misbranding of Klinzmoth Lumps, Klinzmoth Crystals, Klinzmoth Liquid, Klinzmoth Liquid Snow, Klinzmoth Flakes, and Klinzmoth Moth Balls. *U. S. v. David Chernin and Isidor Chernin (Associated Drug & Chemical Co.)* Pleas of guilty. Fines, \$30. (I. & F. No. 1957. Sample Nos. 62143-B, 71981-B to 71984-B, incl.)

The labeling of these products, among other misrepresentations, bore false and misleading claims regarding their effectiveness in the control of moths and other insects. One of the products, the Klinzmoth Lumps, was short weight.

On August 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against David Chernin and Isidor Chernin, co-partners trading as the Associated Drug & Chemical Co., New York, N. Y., alleging shipment by said defendants on or about April 8, 12, and 15, 1936, from the State of New York into the State of New Jersey of quantities of the above-listed products, which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The information charged misbranding of the Klinzmoth Lumps, Klinzmoth Crystals, Klinzmoth Flakes, and Klinzmoth Moth Balls in that the following statements borne on the cans were false and misleading and were borne on the cans so as to deceive and mislead the purchaser since they represented that the articles when used as directed, would act as effective insecticides against all bugs; that paradichlorobenzene is the most effective insecticide known; that the articles would act as effective insecticides against moths under all conditions and would be effective against ants and many other insects and their eggs when used as directed; whereas the articles when used as directed, would not be effective for the said purposes, and paradichlorobenzene is not the most effective insecticide known: (All products) "Kills * * * Bugs * * * It contains paradichlorobenzene"; (lumps and crystals) "100% Paradichlorobenzene the most effective insecticide known. * * * It kills Moths, Ants and many other insects and their eggs. Directions Thoroughly beat and brush the articles to be packed away. On each layer of clothing or carpet, sprinkle generous portions of Klinzmoth Crystals. Wrap in strong papers that will retain the insect-killing vapor thrown off by Klinzmoth. Put a few pieces of Klinzmoth Lumps at each end where paper overlaps. Put Klinzmoth Lumps in closets and on shelf and in trunks. When articles are again needed for use,

shake off and air thoroughly." The lumps and crystals were alleged to be misbranded further in that the statement, (lumps, can label) "Net Weight 14 ozs. when packed," and (both products, circular) "Klinzmoth is recognized by authorities as the most powerful fumigant to kill insects," were false and misleading and were borne on the can and contained in the circular so as to deceive and mislead purchasers since said statements represented that the articles were the most powerful fumigants to kill insects; whereas they were not the most powerful fumigants to kill insects and the packages of the lumps contained less than 14 ounces. The flakes and moth balls were alleged to be misbranded further in that the statements, (circulars) "Klinzmoth is recognized by authorities as the most powerful fumigant to kill insects * * * Klinzmoth Flakes * * * a combination of pure Paradichlorobenzene and Naphthalene, making it many times more effective than ordinary Naphthalene for the Prevention against Moths; used generally on all garments," appearing in circulars shipped with the articles were false and misleading and were contained in said circulars so as to deceive and mislead purchasers, since the articles were not the most powerful fumigants to kill insects and they were not many times more effective than ordinary naphthalene.

Misbranding of the Klinzmoth Liquid was alleged for the reason that the statements, "Klinzmoth Liquid kills * * * Bugs * * * Kills Moths, Bed Bugs, Roaches, Flies, Mosquitoes, Ants and many other Insects and their Eggs. * * * No insect can live in Klinzmoth Vapors. It kills Moths, Bed Bugs, Roaches, Flies, Mosquitoes, Ants and many other insects and their eggs and larvae * * * Klinzmoth the Moth and Bug Killer contains paradichlorobenzene—the most effective insecticide known. * * * Moths: Spray Klinzmoth on walls and floor of closets. * * * Roaches, Bed-Bugs, and Ants: Spray Klinzmoth forcibly into all cracks where insects hide. * * * Flies and Mosquitoes: Close windows and doors. Spray freely in all directions and keep room closed for ten minutes," borne on the can label, were false and misleading and were borne on the can so as to deceive and mislead purchasers, since they represented that the article when used as directed, would kill all bugs, would kill flies and mosquitoes, would act as an effective insecticide against moths, bedbugs, roaches, flies, mosquitoes, ants, and many other insects and their eggs and larvae, and that paradichlorobenzene is the most effective insecticide known; whereas the article when used as directed, would not be effective for said purposes and paradichlorobenzene is not the most effective insecticide known. The Klinzmoth Liquid Snow was alleged to be misbranded in that the following statements, "Klinzmoth Kills * * * Bugs * * * The Moth and Bug Killer in Frosted Snow Form * * * It Kills * * * Ants and their eggs * * * Insects rolled up in thick carpets and buried in overstuffed furniture are readily killed," borne on the can label, were false and misleading and were borne on the cans so as to deceive and mislead purchasers, since they represented that the article would kill all bugs, would reach the eggs of ants, and would kill all insects buried in carpets and overstuffed furniture; whereas the article when used as directed, would not be effective for said purposes.

On September 20, 1937, a plea of guilty was entered by each of the defendants and the court imposed fines in the total amount of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1582. Misbranding of Corn King Dry Insecticide. U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1961. Sample No. 63349-B.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant.

On February 15, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment by said company on or about May 7, 1936, from the State of Iowa into the State of Minnesota of a quantity of Corn King Dry Insecticide, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the packages, "Powdered Disinfectant * * * Do not shut chickens in the house for some time after disinfecting quarters with Dry Insecticide," were false and misleading and were borne on said packages so as to deceive

and mislead purchasers, since they represented that the article would act as a disinfectant; whereas it would not act as a disinfectant.

The information charged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 27706 published under that act.

On September 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1583. Misbranding of Chloron-Ize. U. S. v. Joharvey Ashby (Standard Chemical Co.). Plea of guilty. Fine, \$10 and costs. (I. & F. No. 1970. Sample No. 2730-C.)

This product was misbranded because of failure to declare the inert ingredients present.

On February 25, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joharvey Ashby, trading as the Standard Chemical Co., Aberdeen, Wash., alleging shipment by said company on or about July 13, 1936, from the State of Washington into the State of Montana of a quantity of Chloron-Ize, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, sodium carbonate and calcium chloride, and the name and percentage amount of said inert ingredients were not stated plainly and correctly on the label affixed to the tin containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on said label.

On October 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1584. Adulteration and misbranding of Monogram Brand Roach Powder. U. S. v. Joseph Weishaus and Samuel Kovacs (Royal Manufacturing Co. of Duquesne). Pleas of guilty. Fine, \$100. (I. & F. No. 1971. Sample No. 6024-C.)

This product contained smaller percentages of the active ingredients and a larger percentage of the inert ingredients than declared on the label.

On May 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Weishaus and Samuel S. Kovacs, members of a firm trading as the Royal Manufacturing Co. of Duquesne, Chicago, Ill., alleging shipment by said defendants on or about May 22, 1936, from the State of Illinois into the State of Michigan of a quantity of Monogram Brand Roach Powder, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled (can) "Active Ingredients: Sodium Fluoride 70%, Sodium Bifluoride 2%, Inert ingredients not over 28%"; whereas it contained sodium fluoride in a proportion less than 70 percent, it contained sodium bifluoride in a proportion less than 2 percent, and it contained inert ingredients in a proportion greater than 28 percent.

It was alleged to be misbranded in that the above-quoted statements, borne on the can label, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead purchasers since it contained sodium fluoride and sodium bifluoride in proportions less than declared, and it contained inert ingredients in a proportion greater than declared.

On October 13, 1937, the defendants entered pleas of guilty and the court imposed a fine of \$50 against each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1585. Adulteration and misbranding of copper lime dust and bordeaux mixture. U. S. v. Middlesex Chemical Corporation. Plea of nolo contendere. Fine, \$10. (I. & F. No. 1975. Sample Nos. 66352-B, 6969-C, 6970-C, 11842-C.)

This case involved: (1) Copper lime dust which contained a smaller proportion of monohydrated copper sulphate and a smaller proportion of copper than

declared; (2) a product, designated as copper lime dust, which contained calcium arsenate, a substance foreign to a product so designated, and which contained smaller proportions of copper and arsenic than indicated on the label and which failed to declare the percentage of arsenic in water-soluble form and the inert ingredients contained in the article; (3) so-called bordeaux mixture which in fact was not bordeaux mixture and which might injure vegetation when used as directed; (4) a lot of bordeaux mixture which contained a smaller proportion of copper and a larger proportion of inert ingredients than declared. Both lots of bordeaux mixture were short weight.

On March 11, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Middlesex Chemical Corporation, Malden, Mass., alleging shipment by said company on or about June 25, 1936, from the State of Massachusetts into the State of New Hampshire of quantities of "Copper Lime Dust 25-75" and "Copper Lime Dust 20-20-60"; and on or about May 4 and July 13, 1936, from the State of Massachusetts into the States of Maine and New Hampshire, respectively, of quantities of "Middlesex Brand Dry Powdered Bordeaux Mixture," which said products were adulterated and misbranded within the meaning of the Insecticide Act of 1910.

Both lots of the copper lime dust were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The statement "Copper Lime Dust 25-75 * * * active ingredients: Copper 9%," borne on the label of one lot, represented that it contained monohydrated copper sulphate in a proportion of not less than 25 percent and copper in a proportion of not less than 9 percent; whereas it contained monohydrated copper sulphate in a proportion less than 25 percent and copper in a proportion less than 9 percent; the statements "Copper Lime Dust 20-20-60 * * * Copper 7%, Arsenate 5%," borne on the label of the remaining lot, represented that it consisted of a mixture of lime and a copper compound, and contained copper in a proportion of not less than 7 percent and arsenic in a proportion of not less than 5 percent; whereas it consisted of calcium arsenate, monohydrated copper sulphate, and lime, and contained less than 7 percent of copper and less than 5 percent of arsenic.

The copper lime dust was alleged to be misbranded in that certain statements borne on the tags attached to the bags containing the article were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that the statements "Copper Lime Dust 25-75, active ingredients: Copper 9%," with respect to one lot, represented that it contained monohydrated copper sulphate in a proportion of not less than 25 percent and copper in a proportion of not less than 9 percent; whereas it contained less than 25 percent of monohydrated copper sulphate and less than 9 percent of copper; the statements "Copper Lime Dust 20-20-60 * * * Copper 7%, Arsenate 5%," with respect to the remaining lot, represented that it consisted of a mixture of lime and a copper compound and contained copper in a proportion of not less than 7 percent and arsenic in a proportion of not less than 5 percent; whereas it did not consist of a mixture of lime and a copper compound but did consist of calcium arsenate, monohydrated copper sulphate, and lime, and contained less than 7 percent of copper and less than 5 percent of arsenic. The Copper Lime Dust 20-20-60 was alleged to be misbranded further in that it consisted of a product other than paris green and lead arsenate, and contained arsenic and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label; and in that it consisted partially of inert substances, namely, substances other than calcium arsenate and monohydrated copper sulphate, and the name and percentage amount of each inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

One lot of the bordeaux mixture was alleged to be misbranded in that the following statements borne on the bag label, "Bordeaux Mixture * * * This material is intended for use on those crops for which copper fungicides are recommended by the experiment stations or other agricultural authorities * * * Eight pounds of powdered Bordeaux to fifty gallons of water (or 14 level tablespoonfuls to 1 gallon) will give you the equivalent of a 4-4-50

Bordeaux mixture. * * * Not for use on * * * or for late spring or early summer application on Apples either alone or mixed with Lead or Calcium Arsenate * * * Net Weight One Pound," were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that it consisted of bordeaux mixture, that it could be used safely on all crops for which copper fungicides are recommended, and for middle and late summer applications on apples, and that each of the bags contained 1 pound thereof; whereas it did not consist of bordeaux mixture, but consisted of a compound of copper and siliceous material, it could not be used safely on all crops for which copper fungicides are recommended, nor could it be used safely for middle and late summer applications on apples, and the bags did not contain 1 pound net of the article, but did contain a lesser amount. The remaining lot of bordeaux mixture was alleged to be misbranded in that the following statements, "Copper (Cu) not less than 13.0%, inert ingredients not more than 87.0%, net weight four pounds," borne on the bags, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since it contained copper (Cu) in a proportion less than 13 percent, it contained inert ingredients in a proportion greater than 87 percent, and each of the said bags did not contain 4 pounds net of the article, but did contain a lesser amount.

One lot of bordeaux mixture was alleged to be adulterated in that a compound of copper and siliceous material had been substituted in part for the article, and in that it was intended for use on vegetation and its use on certain vegetation as directed on the label would be injurious. The remaining lot of bordeaux mixture was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that the label on the bags bore the statements "Copper (Cu) not less than 13.0%, Inert ingredients not more than 87.0%," whereas it contained copper (Cu) in a proportion less than 13 percent and inert ingredients in a proportion greater than 87 percent.

On May 4, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1586. Misbranding of Odo-go. U. S. v. William T. Glass and Edward L. Travis (Supreme Manufacturing Co.). Pleas of nolo contendere. Fines, \$20. (I. & F. No. 1981. Sample No. 28026-C.)

The labeling of this product bore false and misleading claims regarding its effectiveness as a disinfectant, antiseptic, germicide, and deodorant, a false representation that it was nonpoisonous, and it failed to bear a statement indicating the inert ingredients present. A portion was short weight.

On April 24, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William T. Glass and Edward L. Travis, trading as the Supreme Manufacturing Co., Dallas, Tex., alleging shipment by said defendants on or about October 14 and November 2, 1936, from the State of Texas into the State of California of quantities of Odo-go, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910. The article was put up in glass containers, small cartons, and large cans.

It was alleged to be misbranded in that the following statements, (carton) "Disinfectant, Antiseptic and Germicide When Used As Directed Kills Any Odor Caused from Organic Matter * * * Directions Thoroughly dissolve one teaspoonful of Odo-Go in about one gallon of water, more or less in proportion. Make a light pink solution and use in the wash water of clothes, refrigerators, sinks, drain boards, kitchen cabinets, dishes, cooking vessels, windows, butcher blocks, lunch counters, soda fountains, show cases, shelves and etc. * * * Thoroughly dissolve one tablespoonful of Odo-Go in about one gallon of water, more or less in proportion. Make a Dark Pink Solution for the mop and wash water of floors, cuspidors, garbage cans, toilets, urinals, dry closets, decaying meats, fish, or vegetables, milk houses, cans or bottles, chicken houses, dog kennels, pig pens and etc. This solution should do for any strong odor. Be sure the solution covers all the surface, reaching every crack and crevice * * * Odo-Go is a non-poisonous germ killer, antiseptic and odor destroyer," (glass) "Deodorant, Disinfectant, Antiseptic Germicide * * * Directions Odo-Go must be thoroughly dissolved in water. Use about 1 to 2 tablespoonfuls to a gallon of water. A tablespoonful to a gallon of water is sufficient for any strong odor. Use in dish water, mop water, bath, toilet bowls, etc. Be sure the liquid

covers all the surface and reaches every crack and crevice. Odo-Go may be used with perfect safety. A deep pink solution is sufficient for most odors. * * * Keep a pan or bowl of this Solution in bottom of refrigerators to keep odors from mixing with food," (can) "Kills any odor caused from organic matter * * * Antiseptic—Kills Germs * * * Directions Dissolve one or two teaspoonsful of Odo-Go to one gallon of water, depending upon the organic matter to be killed," (carton) "Odo-Go is * * * non-poisonous," (glass) "Non-poisonous," and (can) "Net Contents, 4 pounds 8 ounces," were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers since they represented that when used as directed, it would destroy all odors, would act as an effective disinfectant, antiseptic, and germicide, would keep odors from mixing with food in refrigerators, would kill all odors from organic matter, would kill all germs, that the said article was nonpoisonous and that the large cans contained 4 pounds 8 ounces thereof; whereas the article when used as directed would not destroy all odors, would not act as an effective disinfectant, antiseptic, and germicide, would not keep odors from mixing with food in refrigerators, would not kill all odors from organic matter, would not kill all germs, said article was poisonous, and the large cans contained less than 4 pounds 8 ounces.

The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than potassium permanganate, and the name and percentage amount of each inert substance or ingredient were not stated plainly and correctly on the label affixed to the containers; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On October 29, 1937, the defendants entered pleas of *nolo contendere* and were each fined \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

.1587. Misbranding of Odo-Go. U. S. v. Robert G. Branham and William F. Ashby (National Products Co.). Pleas of guilty. Fines, \$250. (I. & F. No. 1982. Sample Nos. 4639-C, 4640-C.)

This product was misbranded because of false and misleading claims regarding its effectiveness as a disinfectant, germicide, and deodorant, and other misrepresentations in its labeling; and because of failure to declare the inert ingredients present.

On October 19, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert G. Branham and William F. Ashby, members of a firm trading as the National Products Co., Fort Worth, Tex., alleging shipment by said defendants on or about September 19, 1936, from the State of Texas into the State of Missouri of a number of cans and sample packages of Odo-Go, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product contained in cans was alleged to be misbranded in that the following statements borne on the can, "Disinfectant and Germicide * * * When used as directed kills any odor caused from organic matter and leaves no odor itself * * * This can will make one hundred gallons of Odo-Go solution * * * Thoroughly dissolve One level teaspoonful of Odo-Go in One gallon of water, more or less in proportion. Make a Dark Pink Solution and use in the wash and mop water for floors, dishes, cooking vessels, sinks, drain boards, kitchen cabinets, refrigerators, bathtubs, wash basins, show cases, soda fountains, lunch counters, butcher blocks, milk houses, cans or bottles, garbage cans, cuspidors, toilets, bedpans, urinals, dry closets, septic tanks, dog kennels, chicken houses, barns, rabbit hutches, pigpens, etc. * * * To kill Germs and destroy odors be sure the solution covers all the surface, reaching every crack and crevice; can be used with the soap and water, no rinsing necessary, will not injure the skin. Can be used with perfect safety. Odo-Go is a non-poisonous germ killer, and odor destroyer and has no odor itself. Non-poisonous * * * Odo-Go is a non-poisonous Germ Killer," were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchasers in that they represented that the article when used as directed, would act as an effective disinfectant and germicide and would kill all germs and odors, and that it was nonpoisonous; whereas

when used as directed, it would not act as an effective disinfectant and germicide, it would not kill all germs and all odors, and it was not nonpoisonous.

The product contained in the samples was alleged to be misbranded in that certain statements contained in a circular were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchasers, since they represented that it would kill or destroy all germs and all odors, would absorb the odors effectively when placed in an open dish in a refrigerator, would disinfect the places and things indicated in the circulars when used as directed and was composed of the best germicide, antiseptic, and deodorizing chemicals known to science; whereas it would not be effective for said purposes and was not composed of the best germicide, antiseptic, and deodorizing chemicals known to science. It was alleged to be misbranded further in that the following statements in the labeling, (circular) "Phenol coefficient 5.6 Odo-Go kills 'eberthella typhi' (typhoid bacillus) in a dilution of 1-675 in 10 minutes. This is equal to $1\frac{1}{2}$ to $1\frac{3}{4}$ teaspoonfuls per gallon * * * Non-poisonous," (package) "Germicide and insecticide. Directions: Thoroughly dissolve One level teaspoonful of Odo-Go in One gallon of water, more or less in proportion * * * Odo-Go is a non-poisonous germ killer," were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers in that they represented that the article was a stable disinfectant for which the coefficient was descriptive of its disinfectant value, whereas it was not; that it would kill typhoid bacillus in a dilution of 1 to 675 in 10 minutes when used as directed, whereas it would not; that it was an effective disinfectant in the dilution of 1 level teaspoonful to 1 gallon of water, whereas it was not; and that it was nonpoisonous, whereas it was not nonpoisonous.

Both lots were alleged to be misbranded further in that the article consisted partially of inert substances, namely, substances other than potassium permanganate, and the name and percentage amount of each inert substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

The information alleged that the samples were adulterated and misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 27878 published under that act.

On November 5, 1937, the defendants entered pleas of guilty and the court imposed a fine of \$50 against Robert G. Branham and \$200 against William F. Ashby for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1588. Adulteration and misbranding of M-E Chlorine Solution. U. S. v. 19 Quarts of M-E Chlorine Solution. Default decree of condemnation and destruction. (I. & F. No. 1991. Sample No. 34124-C.)

This product was adulterated and misbranded because it contained sodium hypochlorite in a proportion less than declared. It was misbranded further because of false and misleading claims regarding its sterilizing, bactericidal, germicidal, disinfectant, and insecticidal properties, and other misrepresentations in the labeling; and because of failure to declare the inert ingredients present in the article.

On May 28, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 quarts of M-E Chlorine Solution at Huntington, Ind., alleging that the article had been shipped in interstate commerce on or about January 2, 1937, from Toledo, Ohio, by the M-E Chemical Products Co., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, since it was labeled, (bottle) "Sodium Hypo Chlorite Active Ingredients 7%"; (circular) "Sodium Hypo Chlorite 7.67%"; whereas it did not contain sodium hypochlorite in the proportion of 7 percent or 7.67 percent, but did contain a smaller percentage thereof.

It was alleged to be misbranded in that the following statements, (bottle) "Sodium Hypo Chlorite Active Ingredients 7%," (circular) "Sodium Hypo Chlorite 7.67%," and (bottle and circular) "No Poison," were false and mis-

leading and by reason of said statements, the article was labeled so as to deceive and mislead purchasers, since it contained less than 7 percent of sodium hypochlorite, and was not nonpoisonous. It was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than sodium hypochlorite, which substances do not destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each inert ingredient or substance contained in the article were not stated plainly and correctly on the label; nor in lieu thereof were the names and percentage amounts of each ingredient having insecticidal or fungicidal properties and the total percentage of the inert substances so present therein stated plainly and correctly on the label.

It was alleged to be misbranded further in that certain statements on the labels were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers since they represented that the article would act as a sterilizer and would destroy all harmful bacteria; that it would disinfect tainted meat; that it would disinfect bedpans, nursing bottles, nipples, etc., and sickrooms; would sterilize laundered articles and fillers, cans, pails, strainers, churns, bottles, etc.; would disinfect incubators, brooders, batteries, coops, stable floors, feeders, animals, and walls, and would disinfect milking machines when used as directed; would act as an effective insecticide against rose bugs, bean beetles, and other insects; would act as an effective treatment for all varieties of mange that infect animals and would be effective for any variety of mange on animals when used as directed; that it would act as an effective insecticide against mites, nits, and fleas; that it would act as a sterilizer and that it would sterilize and kill all forms of harmful bacteria on the things and in the places indicated on the labels; that it possessed many times the germ-killing power of undiluted carbolic acid under all conditions, would sterilize drinking water, would eliminate contagious and infectious diseases of animals and poultry, and would act as a positive destroyer of all bacteria and germs; would act as an effective disinfectant when used as directed; would make Dakin solution when used as directed; would control potato rust; would control corn smut; and would control all smuts of wheat and barley; that it would be effective in destroying nits and mites that infest sheep and would be effective against moths when used as directed; would rid garden truck, vines, shrubbery, flowers, etc. of all insects and all pests; whereas when used as directed, it would not be effective for the said purposes, it did not possess many times the germ-killing power of undiluted carbolic acid under all conditions and would not make Dakin's solution.

The article was alleged to be misbranded further in violation of the Food and Drugs Act, reported in notice of judgment No. 27737 published under that act.

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1589. Misbranding of Moth Wool. U. S. v. 532 Cartons of Moth Wool. Consent decree of condemnation and destruction. (I. & F. No. 1993. Sample Nos. 31118-C, 31119-C.)

This product was misbranded because of false and misleading claims in the labeling regarding its effectiveness in the control of moths, because of failure to declare the total amount of arsenic and the total percentage of arsenic in water-soluble form, expressed as metallic arsenic, and because of failure to declare the inert ingredients present.

On June 4, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 532 cartons of Moth Wool at Denver, Colo., consigned by Baltus Rolfs, Inc., alleging that the article had been shipped in interstate commerce in part on or about April 2, 1936, and in part on or about May 12, 1936, from West Bend, Wis., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that certain statements borne on the carton, the individual package label, and in circulars shipped with it were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser since they represented that it would act as an effective insecticide against moths, would prevent moth eggs from hatching, would kill moth eggs, and would eliminate the larvae when used as directed; whereas it would not act as an effective insecticide against moths, would not prevent moth eggs from hatching, would not kill moth eggs, and would not eliminate the larvae when used as directed.

It was alleged to be misbranded further in that it was an insecticide other than paris green and lead arsenate, and contained arsenic, and the total amount of arsenic so present, expressed as percentum of metallic arsenic, was not stated on the label; and in that it contained arsenic in water-soluble form and the total percentage of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label.

It was alleged to be misbranded further in that it contained substances other than arsenous oxide and the name and percentage amount of the said inert substances present therein were not stated plainly and correctly on the package label; nor in lieu thereof were the name and percentage amount of each substance of the article having insecticidal properties, and the total percentage of the inert substances or ingredients present therein stated plainly and correctly on the label.

On June 16, 1937, Baltus Rolfs, Inc., the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1590. Adulteration and misbranding of liquor cresolis compositus, USP. U. S. v. Albert Levy (Globe Sanitary Supply Co.). Plea of guilty. Fine, \$400. (I. & F. No. 1995. Sample No. 35898-C.)

This product contained water in excess of the amount declared, it contained an inert ingredient other than that declared, oil or oils other than linseed oil were substituted in part for linseed oil in its manufacture, and its label bore false and misleading claims regarding its sterilizing properties.

On July 19, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Levy, trading as the Globe Sanitary Supply Co., Los Angeles, Calif., alleging shipment by said defendant on or about October 15, 1936, from the State of California into the State of Nevada of a quantity of Globe Liquor Cresolis Compositus that was adulterated and misbranded.

The article was alleged to be adulterated in that the statements, "Liquor Cresolis Compositus USP * * * Water inert ingredient not over 14%," borne on the drum containing it, represented that its standard and quality were such that it was composed of the ingredients and quantities of the ingredients prescribed in the United States Pharmacopoeia, and contained water in a proportion of not more than 14 percent, whereas its strength and purity fell below the professed standard and quality under which it was sold, since an oil or oils other than linseed oil had been substituted in whole or in part for linseed oil in the manufacture of the article, and it contained water in a proportion much greater than 14 percent. The article was alleged to be adulterated further in that the statement "Liquor Cresolis Compositus," borne on the drum, represented that it consisted of liquor cresolis compositus as prescribed in the United States Pharmacopoeia; whereas an oil or oils other than linseed oil had been substituted wholly or in part for linseed oil in the manufacture of the article.

It was alleged to be misbranded in that the statements, "Water Inert Ingredient not over 14%," "Liquor Cresolis Compositus USP," and "Directions * * * for sterilizing surgical instruments use 1 to 2% solution of Globe Liquor Cresolis," borne on the drum, were false and misleading and by reason of said statements, it was labeled and branded so as to deceive and mislead the purchaser since they represented that the article contained not more than 14 percent of water, that water was the only inert ingredient, that it was liquor cresolis compositus as prescribed in the United States Pharmacopoeia, and when used in a solution of 1 to 2 percent would sterilize surgical instruments; whereas it contained water in a proportion much greater than 14 percent, it contained glycerin in addition to water as an inert ingredient, it was not composed of the ingredients and proportions of ingredients prescribed for liquor creolis compositus in the pharmacopoeia, and it would not sterilize surgical instruments when used in a solution of 1 to 2 percent.

On July 26, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$400.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1591. Adulteration and misbranding of Niagara A-1 Dust Mixture. U. S. v. 20 Drums and 12 Drums of Niagara A-1 Dust Mixture. Default decree of condemnation and destruction. (I. & F. No. 1997. Sample Nos. 47009-C, 47168-C.)

This product contained a smaller proportion of the active ingredient and a larger proportion of the inert ingredients than declared on the label.

On July 9, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 drums, 10 pounds each, and 12 drums, 25 pounds each, of Niagara A-1 Dust Mixture at Swedesboro, N. J., alleging that it had been shipped in interstate commerce on or about April 10, 1937, by the Niagara Sprayer & Chemical Co., Inc., from Middleport, N. Y., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the label bore the statements, "Active Ingredient Nicotine not less than 2.70% Inert Ingredients not over 97.30%"; whereas it contained nicotine in a proportion less than 2.7 percent and contained inert ingredients in a proportion greater than 97.3 percent.

It was alleged to be misbranded in that the above-quoted statements borne on the drum label, were false and misleading, and by reason of said statements, it was labeled so as to deceive and mislead the purchasers, since it contained an active ingredient, namely, nicotine, in a proportion less than 2.7 percent and contained inert ingredients in a proportion greater than 97.3 percent.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1592. Misbranding of Destruxol. U. S. v. 22 Cans, 36 2-Ounce and 72 1-Ounce, Bottles of Destruxol. Default decree of condemnation and destruction. (I. & F. No. 1998. Sample No. 10039-C.)

This product was misbranded because of false and misleading representations in its labeling regarding its effectiveness in the control of certain insects and fungi.

On July 16, 1937, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-two 4-ounce cans, thirty-six 2-ounce bottles, and seventy-two 1-ounce bottles of Destruxol at Phoenix, Ariz., alleging that it had been shipped in interstate commerce on or about February 24, 1937, by the Destruxol Corporation from Los Angeles, Calif., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "A spray for insects such as Mealy Bug, * * * Red Spider, Leaf Roller, Thrips, * * * Directions Use the contents of this container to Twenty-five (25) gallons of water. * * * For all fungous infestation such as Mildew, Rust and Oak Fungus use Destruxol double strength," borne on the labels, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers since they represented that the article when used as directed, would act as an effective insecticide against mealy bugs, red spiders, leaf rollers, and thrips, and would act as an effective control for all fungous infestations, such as mildew, rust, and oak fungus; whereas when used as directed, it would not act as an effective insecticide against mealy bugs, red spiders, leaf rollers, and thrips and would not act as an effective control for all fungous infestations, such as mildew, rust, and oak fungus.

On October 21, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1593. Misbranding of stock dip and disinfectant. U. S. v. James T. Reynolds & Sons, Inc. Plea of guilty. Fine, \$325 of which \$200 was suspended. (I. & F. No. 2002. Sample No. 34123-C.)

This product contained inert ingredients that were not declared on the label.

On August 31, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James T. Reynolds & Sons, Inc., Lapeer, Mich., alleging shipment by said company on or about August 14, 1936, from

the State of Michigan into the State of Indiana of a quantity of stock dip and disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

Count 1 alleged that the article was misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of the inert substance were not stated plainly and correctly, or at all, on the label affixed to the can containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance present therein, stated plainly and correctly on the label.

Count 2 alleged that the article was also misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 83 published under that act.

On September 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$125 on the first count and \$200 on the second count, and ordered that the fine on the latter count be suspended for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1594. Adulteration and misbranding of Neetol Pine Disinfectant and misbranding of Reliable Disinfectant. U. S. v. The Tou Jour Supply Co. Plea of guilty. Fine, \$40. (I. & F. No. 2005. Sample Nos. 12316-C, 12298-C.)

This case involved Pine Disinfectant in which mineral oil had been substituted in part for pine oil and which possessed a lower phenol coefficient than declared and Reliable Disinfectant which contained inert ingredients that were not declared as required by law.

On November 4, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tou Jour Supply Co., a corporation, Brooklyn, N. Y., alleging shipment by said company on or about February 16 and March 30, 1937, respectively, from the State of New York into the State of Massachusetts of a quantity of Reliable Disinfectant that was misbranded, and a quantity of Neetol Pine Disinfectant that was adulterated and misbranded.

The Pine Disinfectant was alleged to be adulterated in that the statement "Pine Disinfectant," borne on the bottle label, represented that it consisted of pine-oil disinfectant; whereas it did not but another substance, namely, mineral oil, had been substituted in part for pine oil.

It was alleged to be misbranded in that the statements, "Pine Oil Disinfectant" and "F. D. A. Phenol Co-Efficient 2," borne on the label, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser in that they represented that it consisted of pine-oil disinfectant and possessed a phenol coefficient of 2 as tested by the F. D. A. method; whereas it did not consist of pine-oil disinfectant but did consist of a mixture of a pine-oil disinfectant and mineral oil and possessed a phenol coefficient lower than 2, namely, 1.1 as tested by the F. D. A. method.

The Reliable Disinfectant was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, namely, water, and the name and percentage amount of the inert ingredient were not stated plainly and correctly on the label, nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert ingredients stated plainly and correctly on the label.

The information charged that the Reliable Disinfectant was also misbranded in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 84 published under that act.

On November 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 on each count of the information, a total of \$40 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1595. Misbranding of Pro-Tex-All Pineaseptic Disinfectant. U. S. v. Pro-Tex-All Co. Plea of guilty. Fine, \$25. (I. & F. No. 2012. Sample No. 31433-C.)

This product was misbranded because of false and misleading representations regarding its effectiveness as an antiseptic, germicide, and deodorant, and because of failure of the label to declare the inert ingredients.

On October 14, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Pro-Tex-All Co., a corporation, Evansville, Ind., alleging shipment by said company on or about December 29, 1936, from the State of Indiana into the State of Kentucky of a quantity of Pro-Tex-All Pineaseptic Disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Kills germs, destroys bad odors * * * Antiseptic * * * it is a pleasing * * * antiseptic * * * Hospitals standardize on Pineaseptic Disinfectant," borne on the label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that it would kill all germs and destroy all bad odors when used as directed, and would be an effective antiseptic for hospital use; whereas it would not kill all germs and would not destroy all bad odors when used as directed, and would not be an effective antiseptic for hospital use.

It was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of the said inert substance were not stated plainly and correctly, or at all, on the label affixed to the container; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances present therein stated plainly and correctly, or at all, on the label.

On October 22, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1596. Adulteration and misbranding of Bonide Greentox, and misbranding of Bonide Fly Spray and Bonide Stock Spray. U. S. v. Bonide Chemical Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 1973. Sample Nos. 66173-B, 66418-B, 66419-B, 66420-B.)

The labeling of these products contained false and misleading representations regarding their effectiveness in the control of insects. One shipment of the Greentox was labeled as being 100 percent active; whereas it contained water, an inert ingredient, which was not declared on the label as required by law.

On April 20, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonide Chemical Co., Inc., Utica, N. Y., alleging shipment by said company in violation of the Insecticide Act of 1910 from the State of New York into the State of New Hampshire on or about April 6 and April 27, 1936, of quantities of Fly Spray and Stock Spray which were misbranded; and on or about April 14 and May 13, 1936, of quantities of Greentox which was misbranded and a part of which was also adulterated.

One lot of the Greentox was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Active Ingredients 100%"; whereas it contained active ingredients in a proportion much less than 100 percent.

Both lots of the Greentox were alleged to be misbranded in that the statements, "This Product contains Rotenone and the other active principles of derris and cube combined with fumigants and effective spreading agents in such a manner as to give effective control of an unusual variety of insects on flowers, roses, vines, plants, vegetables, shrubs, etc. * * * Directions Dissolve Greentox in small quantity of water, then dilute to bulk required. Greentox diluted 1 to 800—or 1 oz. to 6 gals. of water controls plant lice, thrips, white flies, leaf hoppers, etc. 1 to 400—or 1 oz. to 3 gals. of water, for insects of intermediate resistance. 1 to 400—or 1 oz. to 1½ gals. of water, for hardier insects. Spray plants thoroughly, both upper and under side of leaves," borne on the bottle label, represented that the article when used as directed, would give an effective control over an unusual variety of insects; that it would be effective against white flies, all other insects of intermediate resistance, and all hardier insects; whereas it would not be effective for said purposes. A portion of the Greentox was alleged to be misbranded in that the statements, "Greentox The Garden Spray of Perfection The Lethal Poison for Sucking and Chewing Insects * * * 'Kills Both Types of Insects' Chewing Insects such as worms, caterpillars, beetles, etc., eat holes in the leaves, sometimes completely devouring them. Sucking Insects do not eat holes in the leaves, but pierce the leaf, blossom, stem or trunk of the plant with their sharp beaks, and suck the juices of the plant * * * Kills Leaf Eating and Sucking Insects. Mex-

ican Bean Beetles, Plant Lice, Worms, Slugs, Thrips, etc.," appearing in a circular and on a card shipped with said portion of the article, represented that when used as directed, it would kill all sucking and chewing insects, all worms, caterpillars, beetles, and sucking insects, and all other insects that might be included under the abbreviation "etc."; whereas it would not be effective for said purposes. A portion was misbranded in that the statements "Active Ingredients 100%," borne on the bottle label, represented that the article contained active ingredients in a proportion not less than 100 percent; whereas it contained active ingredients in a proportion much lower than 100 percent. One lot was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, namely, water; and the name and percentage amount of the said inert ingredient present therein were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substance present therein stated plainly and correctly on the bottle label.

The fly spray was alleged to be misbranded in that certain statements in the labeling were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers in the following respects: The statements "Bonide X Fly Spray for Household Uses Kills Flies, Etc.," borne on the bottle label, represented that when used as directed, the article would be effective in killing flies and all other insects that might be included under the abbreviation "Etc."; whereas it would not be effective for said purposes.

The stock spray was alleged to be misbranded in that the statements, "Stock Spray Repellent Enduring Repellency * * * Kills * * * In addition to the superior repelling qualities of Bonide, it likewise kills certain flies and mosquitoes that annoy livestock," borne on the can label, represented that when used as directed, the article would be effective in the killing of certain species of flies that annoy or attack livestock, would be an effective repellent against all species of flies that attack or annoy livestock, and would possess enduring repellency against all species of flies; whereas it would not be effective for said purposes.

On October 25, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1597. Adulteration and misbranding of Bonide Nicotox. U. S. v. Bonide Chemical Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2009. Sample No. 20827-C.)

This product contained a smaller proportion of nicotine sulphate and phenols and a larger proportion of inert ingredients than declared on the label.

On October 25, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonide Chemical Co., Inc., Utica, N. Y., alleging shipment by said company on about January 8, 1937, from the State of New York into the State of Massachusetts of a quantity of Bonide Nicotox, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Nicotine Sulphate 15%, Phenols 2%, Inert Ingredients 83%"; whereas it contained less than 15 percent of nicotine sulphate, less than 2 percent of phenols, and more than 83 percent of inert ingredients.

It was alleged to be misbranded in that the above-quoted statements were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser, since it contained less nicotine sulphate and phenols and a larger proportion of inert ingredients than declared.

On October 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1598. Misbranding of New Arsenate of Lead Cartridge. U. S. v. Foodndrink Fertilizer Co. Plea of nolo contendere. Fine, \$10. (I. & F. No. 2010. Sample No. 22490-C.)

The labeling of this product contained false and misleading representations regarding its effectiveness in the control of certain insects.

On October 14, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Foodndrink Fertilizer Co., a corporation, Cambridge, Mass., alleging shipment by said company on or about February 15, 1937, from the State of Massachusetts into the State of Florida of a quantity of arsenate of lead cartridges which were a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the label, "Arsenate of Lead Cartridges are for the spraying of certain leaf eating or chewing insects, such as Flea Beetle, Inch worm, Grasshoppers, and Codling Moths," were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser in that they represented that it would be effective against certain leaf-eating or chewing insects, such as flea beetle, inch worm, grasshoppers, and codling moths; whereas it would not be effective for said purposes when used as directed.

On November 9, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1599. Misbranding of Sunshine State Louse Powder. U. S. v. Sunshine State Poultry Laboratories. Plea of guilty. Fine, \$25. (I. & F. No. 2011. Sample No. 19811-C.)

This product was misbranded because of the failure of the label to declare the inert ingredients present.

On October 20, 1937, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sunshine State Poultry Laboratories, a corporation, Sioux Falls, S. Dak., alleging shipment by said company on or about February 2, 1937, from the State of South Dakota into the State of Minnesota of a quantity of Sunshine State Louse Powder, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances and the name and percentage amount of the said inert substances were not stated plainly and correctly on the label affixed to the carton containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly on the label.

On November 18, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1600. Misbranding of Humane Dry Insecticide. U. S. v. Ten 25-Pound Pails and Five 10-Pound Cartons of Humane Dry Insecticide. Default decree of condemnation and destruction. (I. & F. No. 1976. Sample No. 19601-C.)

This product contained a smaller proportion of naphthalene and a larger proportion of inert matter than declared on the label.

On April 28, 1937, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 25-pound pails and five 10-pound cartons of Humane Dry Insecticide at Sioux Falls, S. Dak., alleging that the article had been shipped in interstate commerce on or about September 21, 1935, by the Humane Remedy Co., from Des Moines, Iowa. The article was labeled in part: "Naphthalene 31 pct. * * * inert matter 63 pct."

The libel alleged that the article was misbranded within the meaning of the Insecticide Act of 1910.

This Department in reporting the matter to the United States attorney, recommended the following charges: That the article was misbranded in that the statements "Naphthalene 31 pct. * * * Inert Matter 63 pct." were false and misleading, and that by reason of said statements, it was labeled so as to deceive and mislead purchasers, since it contained naphthalene in a proportion less than 31 percent and inert matter in a proportion greater than 63 percent; and that it was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold.

On November 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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